IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 13TH NOVEMBER 2006 / 22ND KARTHIKA 1928

Crl.MC.No. 3281 of 2005(A)

CC.1063/2003 of JUDL.MAGISTRATE OF FIRST CLASS, KARUNAGAPPALLY

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PETITIONER: IST ACCUSED.

USHA JOHN, AGED 37 YEARS,
W/O.JOHN, AUGUSTINE COTTAGE,
SAKTHIKULANGARA, KOLLAM.

BY ADV. SRI.C.UNNIKRISHNAN (KOLLAM)
SRI.S.HARIKRISHNAN
SRI.K.G.PRASANNA RAJAN

RESPONDENT: COMPLAINANT.

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 13/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU,J

Crl.M.C.No. 3281 OF 2005

Dated this the 13th day of November,2006

ORDER

The petitioner who is the first accused in C.C.1063/2003, with respect to the offence under section 292 (2) (a), read with section 34 I.P.C. and S 7A 1 and 2 of Cinematograph Act 37 of 1952, has sought for getting the proceedings quashed on the ground that she had transferred the ownership of the movie house by name Kannitta Movies vide Annexure A2 sale deed dated 21.12.2002, to one John Britto. The date of the alleged offence of exhibiting the cinema with erotic scenes is 28.4.2003. As per Annexure A4 application she had applied before the Panchayath authorities to transfer the license in favour of the assignee. Annexure A5 is the report of the official of the Panchayath on spot inspection dated 08.09.2003, affirming the fact that the theatre has been sold vide registered document number 4937/02 and recommending that the license can be transferred to the name of John Britto, the assignee.

I find that the above case set up is supported by documents produced. In the circumstances the proceedings pending against the petitioner vide C.C.1063/03 is liable to be quashed. Hence,

the proceedings against the petitioner/ the first accused in C.C.1063/03, is hereby quashed. The Crl.M.C., is allowed.

K.R.UDAYABHANU, JUDGE

dvs